

EXHIBIT A: AMENDMENTS TO THE LAKE COUNTY UNIFIED DEVELOPMENT ORDINANCE

As approved by the Lake County Board November 12, 2013

I. Local Food Amendments

Amendment #01 (Local Food-Bees)

Summary: Modifies the Use Table to distinguish between keeping Apiaries on lots greater than 5 acres and on lots smaller than 5 acres.

Amend Article 6, Subsection 6.2/Use Table (p.6-2) to read as follows:

Use Category	Use Types	Residential	Nonresidential	Use Standard
Agriculture	Apiary (<u>on lots 200,000 sq.ft. or more</u>)	<i>P in AG and in all residential zoning districts</i>	<i>P in all nonresidential zoning districts</i>	§§6.3.6 <u>§§6.3.3.1</u>
	Apiary (<u>accessory use on lots less than 200,000 sq. ft.</u>)	<i>P in AG, RE, E, R1, R2, R3 & R4 zoning districts</i>	<i>P in OS zoning district</i>	<u>§§6.3.3.2</u>

Summary: Adds reference to the new section regarding provisions for beekeeping.

Amend Article 6, Subsection 6.3.3.2/Use Standards/Agriculture/Non-Exempt Uses (p.6-9) to read as follows:

d. Standards for non-exempt apiaries shall be subject to conditions provided in Sec. 6.4.15.

Summary: Deletes lot size minimums for apiaries and renumber subsections under 6.3.7 through 6.3.44.

Remove Article 6, Subsection 6.3.6/Use Standards/Apiary (Agricultural Use Category) (p.6-10) and renumber subsequent sections accordingly:

~~The minimum lot size for an apiary use shall be 200,000 square feet.~~

Summary: Introduces regulations for the keeping of bees.

Amend Article 6, Subsection 6.4.15/ Accessory Uses/General Standards (p.6-50) to read as follows:

6.4.15 Beekeeping and Apiaries

The keeping of honey bees, of the European species *Apis mellifera*, shall be permitted in the Agricultural, Rural Estate, Estate, R1, R2, R3, and R4 Zoning Districts on lots less than 200,000 square feet in area, as an accessory use to a principal use, provided the following conditions are met.

6.4.15.1 Number of Beehives

Two full beehives (hives) and two “nucleus hives” shall be permitted on lots up to and including a minimum lot area of 10,000 square feet of area, and one beehive and one nucleus hive shall be permitted for each additional 10,000 square feet. There shall be no limit on the number of hives kept on parcels with an area of 200,000 square feet or more. Nucleus hives, consisting of five or fewer frames, are kept for the purposes of queen and pest management.

6.4.15.2 Location and Setbacks

a. Setbacks to property lines

Hives and related structures that form the apiary shall be located a minimum of thirty (30) feet from any adjoining improved alley, easement for purposes of ingress or egress, or road right-of-way and a minimum of ten (10) feet from all other property lines. ~~Apiaries shall not be located between the principal building and any adjoining improved alley, easement for purposes of ingress or egress, or road right-of-way.~~ In the case of an unimproved right of way, this provision may be modified by the Planning, Building and Development Department Director in consultation with the appropriate local roadway authority.

b. Setback to Habitable Structures

Hives shall be located a minimum of thirty (30) feet from any existing habitable structures on any adjoining parcel, ~~including but not limited to~~ such as: dwellings, non-residential buildings, patios, porches, gazebos, decks, swimming pools, or permanently affixed play equipment, but not including storage structures such as garages or sheds.

c. Fencing

On parcels of 40,000 square feet or less, hives shall be enclosed behind a minimum four-foot high ~~secured~~ fence, hedge, or wall.

d. Signage

In lieu of the fencing requirement in c. above, a sign, or signs, identifying the presence of beehives on the property shall be posted so as to be reasonably visible within close proximity of the apiary.

e. Flyway Barrier

On parcels of 40,000 square feet or less, where the beehive entrance is oriented to an exterior property line, a six-foot high, solid flyway barrier (e.g. fence, wall, or dense shrub) shall be located between the hive entrance and the property line and shall extend five (5) feet in each direction. ~~within three (3) feet in front of the entrance to the hive and shall extend ten (10) feet in either direction, perpendicular to that entrance.~~

6.4.15.3 Management Practices

a. Water Supply

A ~~non-diminishing~~ supply of water shall be continuously available and located within ~~provided~~ the parcel, provided that it is closer than water sources on any adjoining parcel ~~fifteen (15) feet of the hive.~~ Water supply shall be designed to allow bees to access water ~~by landing on a hard surface.~~ Water requirement shall be in effect from April 1 – Nov. 30 or any and all days in which temperature exceeds 55 degrees for 3 consecutive days.

b. Requeening

In any instance in which a hive exhibits unusually aggressive characteristics, as verified by an Illinois Apiary Inspector, the property owner shall destroy, move to another parcel, or requeen the hive within fourteen (14) days of observation. ~~Queens shall be selected from stock bred for gentle characteristics; documentation of such shall be made available upon County request.~~

c. Moveable Combs

All honey bees shall be kept in hives with removable combs, which shall be kept in good repair and usable condition.

d. Equipment

Hives ~~not under active human management and maintenance shall be dismantled or removed.~~ Other beekeeping equipment shall be kept secured, so as to prevent “robbing” or occupancy by other stinging insects.

COMMENTARY: State Regulations

Per the Illinois Department of Agriculture, hives shall be registered with the Illinois Department of Agriculture and actively maintained in accordance with 510 ILCS 20/1 et seq.) the Illinois Bees and Apiaries Act.

Amendment #02 (Local Food-Chickens)

Summary: Allows the keeping of chickens, as accessory uses on lots less than 200,000 square feet in area.

Amend Article 6, Subsection 6.3.3.2/Use Standards/Agriculture/Non-Exempt Uses (p.6-9) to read as follows:

c. No farm animals, other than equine or chickens, or beekeeping, as an accessory to a principal agricultural use, shall be kept on zoning lots less than 200,000 square feet in area.

Summary: Introduces regulations for the keeping of chickens.

Amend Article 6, Subsection 6.4.16/ Accessory Uses/ General Standards/ Chickens (p.6-50) to read as follows:

The keeping of hens, the female of the chicken species *Gallus gallus domesticus*, shall be permitted in single family residential zoning areas, on zoning lots of ~~1020~~10,000 square feet or greater, provided the following conditions are met.

6.4.16.1 Number of Hens

Up to six (6) Table 6.4.16.1 identifies the number of hens shall be allowed on a non-exempt residential property.

<u>Minimum Lot Size</u>	<u>Maximum Number of Hens Allowed</u>
<u>10,000 square feet</u>	<u>6</u>
<u>20,000 square feet</u>	<u>8</u>
<u>40,000 square feet</u>	<u>10</u>
<u>80,000 square feet</u>	<u>12</u>

There shall be no limit on the number of hens kept on parcels with an area of 200,000 square feet or more.

6.4.16.2 Chicken Coops and Yards

a. Chicken Coop

Hens shall be kept in an enclosed outdoor coop, an accessory structure used for the purpose of keeping live chickens, so as to offer protection from weather elements and from predators and trespassers.

Coops shall be built and kept in such a manner, large enough to provide at least ~~two (2)~~three (3) square feet per hen and allow the hens easy ingress and egress to an enclosed chicken yard. Coops shall not exceed 8 feet in height.

Coops shall be covered with uniform materials and shall be maintained intact with all parts secure. Any repairs shall maintain consistency with original

structure in appearance and condition. The coop must be replaced, removed, or repaired upon evidence of deterioration.

b. Chicken Yard

Coops shall be connected with an enclosed chicken yard or run. Hens may be allowed to roam in a fenced back yard, but shall not be allowed to roam outside of the fenced yard. Hens must be returned to the secured chicken coop each night.

Chicken yards constructed with wire mesh fencing materials shall retain a flat, uniform plane, in a well-maintained, safe condition.

6.4.16.3 Location and Setbacks

a. Street Setbacks

Chicken coops and yards shall not be located between the principal building and any improved alley, easement for purposes of ingress or egress, or road right-of-way. In the case of an unimproved right of way, this provision may be modified by the Planning, Building and Development Department Director in consultation with the appropriate local roadway authority.

b. Setback to Habitable Structures

In addition to setback requirements for accessory structures, chicken coops shall be located a minimum of thirty (30) feet from any existing habitable structures on any adjoining parcel, including but not limited to such as: dwellings, non-residential buildings, patios, porches, gazebos, decks, or swimming pools, but not including storage structures such as garages or sheds.

6.4.16.4 Prohibitions and Management Practices

a. Roosters

The keeping of roosters shall not be allowed on non-exempt property.

b. Odors

Chicken coops and yards must be cleaned on a regular basis so they remain free from undue accumulated waste, such as to cause odors reasonably detectable on adjacent properties.

c. Feed

All feed for hens shall, except when placed for consumption by the hens, be kept in containers with tightly fitted lids that are rodent-proof.

d. Maintenance of Coops

Coops shall be maintained in good repair and non-dilapidated condition.

d. Slaughter

No outdoor slaughter of chickens shall be allowed.

COMMENTARY: State Regulations

Per the Illinois Department of Agriculture, those wishing to keep ~~chickens~~ hens on their premises shall complete a Livestock Premises Registration.

Amendment #03 (Local Food - Hoophouses)

Summary: Exempts hoophouses ~~or greenhouses~~ from building codes if used for local food production in residential zoning districts.

Amend Article 1, Subsection 1.3/Applicability and Jurisdiction (p.1-1) to read as follows:

This Ordinance shall apply to all development, public and private, within unincorporated Lake County. All structures and land uses constructed or commenced hereafter and all enlargements of, additions to, changes in and relocations of existing structures and uses occurring hereafter shall be subject to this Ordinance, all Statutes of the State of Illinois, the Building Codes of Lake County and all other applicable county ordinances, except as specifically provided in this Ordinance.

Summary: Exempts hoophouses and greenhouses used primarily for local food production.

Amend Article 6, Subsection 6.4.2.9/Accessory Uses/ General Standards (p.6-39) to read as follows:

6.4.2.910 Uses Prohibited as Accessory Uses

c. ~~Temporary Hoophouses, Greenhouses,~~ or other Frame-Designed Structures not meeting applicable building codes, except as allowed under the State's Agricultural Exemption or for exclusively growing plants for local food production in residential zoning districts.

Summary: Exempts hoophouses or greenhouses from floor area requirements if used for local food production in residential zoning districts.

Amend Article 6, Subsection 6.4.2.5/Accessory Uses/General Standards (p.6-39) to read as follows:

Accessory uses and structures must be subordinate to the principal use and structure on the subject lot in terms of area, extent, and purpose. The total gross floor area of all accessory structures on a lot shall not exceed 1.5 times the total gross floor area of the principal structure on the lot. ~~The area-related provisions of this paragraph shall not apply to n-Nonresidential, and or agricultural-exempt uses,~~ or hoophouses or greenhouses, primarily exclusively used for growing

plants for local food production in residential zoning districts, shall be exempt from area-related provisions for accessory structures. [Revised 10.13.09]

Summary: Exempts hoophouses or greenhouses from accessory building limits if used for local food production in residential zoning districts.

Amend Article 6, Subsection 6.4.2.7/Accessory Uses/ General Standards (p.6-39) to read as follows:

No more than 3 accessory buildings associated with a principal residential use shall be located on a single parcel in a residential district. There shall be no limit on the number of accessory buildings that may be located on a parcel in a nonresidential zoning district or on a parcel in a residential zoning district containing a principal nonresidential use, provided that they comply with all other general accessory use standards of this section (§§6.4.2). The provisions of this paragraph shall not apply to agricultural-exempt uses. Hoophouses or greenhouses, primarily exclusively used for growing plants for local food production in residential zoning districts, open~~Open~~ gazebos, swimming pools, cabanas ~~and~~ or similar structures shall not be counted as buildings for purposes of this provision. (See Figure 6-1) [Revised 10.13.09]

Summary: Introduces regulations for hoophouses ~~or greenhouses~~ used for local food production.

Remove Article 6, Subsection 6.4.2.9.c/Accessory Uses/General Standards (p.6-39) to read as follows and renumber subsequent sections accordingly:

- ~~c. Temporary Hoop or other Frame Designed Structures not meeting applicable building codes except as allowed under the State's Agricultural Exemption.~~

Amend Article 6, Subsection 6.4.8/ Accessory Uses/General Standards (p.6-46) to read as follows and renumber subsequent sections accordingly:

6.4.8 Hoophouses and Greenhouses

6.4.8.1. Hoophouses and greenhouses on residentially zoned properties shall be used for the primary-exclusive purpose of growing plants for local food production. Hoophouses or greenhouses shall not exceed, in the aggregate, 50 square feet in area for each 10,000 square feet in lot area, with a minimum lot size of 10,000 square feet. There shall be no limit on the size or number of hoophouses or greenhouses kept on agriculturally exempt parcels with an area of 200,000 square feet or more.

6.4.8.2. Hoophouses and greenhouses shall be covered with a colorless, and transparent, plastic, polyethylene film material and shall be maintained intact with all parts secure. Any repairs shall maintain consistency in appearance and condition with the original construction. The hoophouse or greenhouse must be replaced, removed, or repaired upon evidence of deterioration.

Amendment #04 (Local Food - Extend Produce Sales Season)

Summary: Extends permitted farm produce sales from 6 months to 8 months.

Amend Article 6, Subsection 6.5.13/Temporary Uses (p.6-56) to read as follows:

6.5.13.1 Farm Produce Sales (Seasonal)

a. Seasonal sales of farm produce may be allowed by Temporary Use Permit in all zoning districts for a period not to exceed 6 months per calendar year. In residential zoning districts, seasonal sale of farm produce shall only be allowed on parcels having a minimum area of 80,000 square feet and a minimum road frontage of 190 feet and further provided that the majority of such produce is grown on-site.

Amendment #05 (Local Food-Other)

Summary: Recognizes local food production as an agricultural land use, under UDO purposes and intents.

Amend Article 1, Section 1.5/Purpose and Intent (p.1-2) to read as follows:

6. implementing land use and open space policies that will preserve agricultural uses of land, including local food production, and the rural, open character of the unincorporated area of the county;

Summary: Defines Local Food Production.

Amend Article 14 Definitions/14.2 Terms Defined (p.14-34) to read as follows and renumber subsequent sections accordingly:

Local Food Production: The practice of producing food for the purposes of consumption or sale at a local market, such as growing vegetables and fruits and raising livestock. Local Food Production also includes the growing of vegetables and fruits and the keeping of chickens or bees, as an a residential accessory use.